

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

SOMPO JAPAN INSURANCE COMPANY OF AMERICA
Plaintiff(s), Petitioner(s)

CLIENT: Legal Ease, Inc

INDEX NO.: 07 Civ 4053 (DAB)

against

NIERODA TRANSPORT, INC.

Defendant(s), Respondent(s)

AFFIDAVIT OF SERVICE

STATE OF CONNECTICUT: COUNTY OF HARTFORD

I, Michael Walton being duly sworn according to law upon my oath, depose and say, that deponent is not a party to this action, is over 18 years of age and resides in Manchester, CT.

Furthermore, that on **October 25, 2007 at 11:40 AM at 428 Hayden Station Road, Windsor, CT 06095**, deponent served the **Notice of Motion for Default Judgement and Supporting Papers, Plaintiff's Memorandum of Law in Support of Default Judgement and Supporting Papers and Draft of Default Judgement** upon **Nieroda Transport, Inc.**, (Defendant/Respondent) herein known as Recipient.

Said service was effected in the following manner:

By delivering to and leaving a true copy of each **Notice of Motion for Default Judgement and Supporting Papers, Plaintiff's Memorandum of Law in Support of Default Judgement and Supporting Papers and Draft of Default Judgement** with **A. Musand** a person who is known to be the **Vice President** of said corporation and/or company, and who is authorized by said corporation and/or company to receive said **Notice of Motion for Default Judgement and Supporting Papers, Plaintiff's Memorandum of Law in Support of Default Judgement and Supporting Papers and Draft of Default Judgement**.

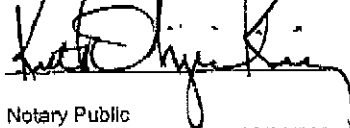
Deponent describes the individual served to the best of deponent's ability at the time and circumstances of service as follows:

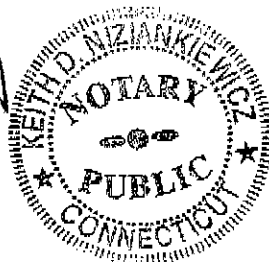
Sex: **Male** Skin: **White** Age(Approx): **50-55** Height(Approx): **Over 6'** Weight(Approx): **161-200 lbs**
Other: **Balding and Glasses**

I certify that the foregoing statements made by me are true, correct and my free act and deed. I am aware that if any of the foregoing statements made by me are willfully false, I am subject to punishment.


Michael Walton, Private Process Server

Sworn to before me on October 25, 2007


Notary Public
My Commission Expires: 06/31/2009



DAVID T. MALOOF (DM 3350)
 THOMAS M. EAGAN (TE 1713)
 MALOOF BROWNE & EAGAN LLC
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 Rye, New York 10580-1411
 (914) 921-1200
Attorneys for Plaintiff

UNITED STATES DISTRICT COURT
 SOUTHERN DISTRICT OF NEW YORK

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SOMPO JAPAN INSURANCE COMPANY OF AMERICA,	: ECF CASE
	:
<i>Plaintiff,</i>	: 07 Civ. 4053 (DAB)
- against -	:
NIERODA TRANSPORT, INC.	: NOTICE OF MOTION
	: FOR
<i>Defendant.</i>	: <u>DEFAULT JUDGEMENT</u>
	:
	:
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PLEASE TAKE NOTICE THAT, pursuant to Rule 55(b) of the Federal Rules of Civil Procedure and upon the Declaration of David T. Maloof, Esq. dated October 19, 2007 and its exhibits, the accompanying Memorandum of Law, and upon all prior proceedings had herein, Plaintiff Sompo Japan Insurance Company of America (hereinafter "Sompo" or "Plaintiff"), through undersigned counsel, will move this Court before the Honorable Deborah A. Batts, United States District Judge, in the United States Courthouse, Room 2510, 500 Pearl Street, New York, New York 10013, for Default Judgment for failure to appear and answer against the Defendant Nieroda Transport, Inc. (hereinafter "Nieroda" or "Defendant") in the amount of \$47,500.00, plus costs of \$350.00, plus prejudgment interest at 9% per annum from March 14, 2005 (date of delivery) to the date of entry of judgment (which totals \$59,325.80 as of November 19, 2007), and for such other relief as the Court deems just and proper.

PLEASE TAKE FURTHER NOTICE THAT, pursuant to Local Rule 6.1, any opposing affidavits and/or memoranda must be served on Plaintiff's counsel no later than ten business days after service of this motion.

Dated: Rye, New York
October 19, 2007

MALOOF BROWNE & EAGAN LLC

By: 

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Insurance, Inc*

To: Nieroda Transport, Inc.